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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------------|
| 10/525,371 | 02/23/2005 | Takao Senga | 050051 | 5149 |
| 23850 7590 11/29/2007 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005 | | | EXAMINER SHAH, MANISH S | |
| | | | ART UNIT 2853 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/525,371 | SENGA ET AL. | |
| | Examiner | Art Unit | |
| | Manish S. Shah | 2853 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 15,18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-14 & 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (# EP 0884195).

Smith discloses an ink jet print system:

- an ink jet recording medium previously having printing control information

(element: 32, figure: 2) is continuously driven with a conveying apparatus, and print data is continuously processed with an ink jet recording apparatus set in the middle of a conveyance pathway, to output a printed image, wherein the printing control information involves information of various kinds about the kind of ink most suitable for the ink jet recording medium, the kind of a substrate and the kind of an ink-receiving layer(s) (column: 3, line: 15-55), and at least one item of information for controlling a conveying and driving apparatus, an ink jet recording apparatus, and a discharging apparatus for ink nozzles in the recording apparatus, a cutter apparatus (column: 3, line: 54-58; column: 4, line: 1-20), which information is for controlling a series of the apparatuses of

the ink jet print system on the basis of the above-mentioned information of various kinds (column: 4, line: 40-50).

- An information-detecting sensor (element: 33, figure: 1) is located short of said ink jet recording apparatus in the conveyance pathway, and the driving apparatus stops when the printing control information is not detected in said ink jet recording medium or an image different from that based on image data is output so as not to permit formation of a desired image, without interlocking said ink jet recording apparatus with the conveying apparatus, when the printing control information is not detected in said ink jet recording medium (column: 4, line: 1-20).

- An information-detecting sensor is located short of said ink jet recording apparatus in the conveyance pathway; information related to the printing control information of said ink jet recording medium is stored in the system as database information and compared with the printing control information of said ink jet recording medium obtained from the information detecting sensor; and said ink jet recording medium is cut to a predetermined length with a cutter apparatus to conduct finishing when the printing control information of the ink jet recording medium agrees with the database information in the system (column: 4, line: 5-20).

- An information related to the printing control information of said ink jet recording medium is stored in the system as database information and compared with the printing control information of said ink jet recording medium obtained from the information-detecting sensor, and the conveying and driving apparatus stops when the printing

control information does not agree with the database information (column: 3, line: 45-55; column: 4, line: 1-50).

- The inkjet recording medium is a rolled paper having a core (see figure: 1-4).
- An information related to the printing control information of said ink jet recording medium is stored in the system as database information and compared with the printing control information of said ink jet recording medium obtained from the information-detecting sensor, and the discharge of ink in the ink jet recording apparatus is stopped to output no printed image when the printing control information does not agree with the database information (column: 4, line: 1-50).
- The discharge of ink in said ink jet recording apparatus is stopped and the conveying apparatus is driven to recover the ink jet recording medium having no printed image, with a roll-recovering apparatus (column: 4, line: 18-30).
- The discharge of ink in said ink jet recording apparatus is stopped and the conveying apparatus is driven to recover the ink jet recording medium having an outputted image different from that based on image data, with a roll-recovering apparatus (column: 4, line: 1-50; figure: 1-4).
- The ink jet recording medium is separated with a roll-recovering apparatus (see figure: 1-4).
- The ink jet recording medium is cut with a cutter and then separated with the tray apparatus, instead of using a roll-recovering apparatus (element: 24, figure: 1 & 3).
- The printing control information of said ink jet recording medium is detected with an information-detecting sensor by means of at least one light selected from visible

light, near infrared rays and fluorescence (optical sensor) (element: 35, figure: 1; column: 3, line: 34-46).

- A logo print and code information is selected as said printing control information of said ink jet recording medium and is detected with an information-detecting sensor (column: 3, line: 40-46).

Smith differs from the claim of the present invention is that the control information involves information of about kind of ink most suitable for the inkjet recording medium.

However, smith teaches that various alternative and modification can be devised by those skilled in the art without departing from the invention (column: 4, line: 44-50). Therefore it would have been obvious to incorporate the information of about a kind of ink suitable for the inkjet recording medium, in to the bar code.

Allowable Subject Matter

2. Claims 15 & 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
4. (1) Elgee et al. (# US 6255665) discloses a print medium with encoded data and a print media detection system for use in detecting at least one characteristic of the sheet of print medium, and adjusting one or more parameter of the printing device (see Abstract)..


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Manish S. Shah
Primary Examiner
Art Unit 2853

MSS

11/15/07